



Homeland
Security

January 29, 2018

MEMORANDUM TO: Nathalie R. Asher
Acting Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

FROM: Veronica Venture (b)(6)
Deputy Officer
Office for Civil Rights and Civil Liberties

Dana Salvano-Dunn (b)(6)
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

SUBJECT: West Texas Detention Facility
Complaint Nos. 18-04-ICE-0319, 18-07-ICE-0282, 18-04-ICE-0322, 18-04-ICE-0312, 18-05-ICE-0318, 18-05-ICE-0317, 18-05-ICE-0320, 18-06-ICE-0156, and 18-06-ICE-0321

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) is conducting an investigation into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the West Texas Detention Facility (WTDF) in Sierra Blanca, Texas. CRCL's onsite investigation occurred on August 14-16, 2018, and was in response to allegations received alleging civil rights and civil liberties violations of general conditions of detention, medical and mental health care, and environmental health and safety at WTDF.

We greatly appreciate the cooperation and assistance provided by ICE and WTDF personnel before and during the review. As part of the review, CRCL engaged the assistance of four subject-matter experts: a medical consultant, a mental health consultant, a corrections consultant and an environmental health and safety consultant. As a result of detainee and staff interviews, document reviews, and direct observation, the subject-matter experts identified concerns regarding the medical and mental health care, environmental health and safety, and overall conditions at the facility.

On August 16, 2018, as part of the out-briefing for WTDF, CRCL and the subject-matter experts discussed the most serious findings with ICE ERO field office management personnel, personnel

from ICE ERO headquarters, and WTDF senior management. During the discussions, the subject-matter experts also provided recommendations to address the identified concerns.

Enclosed with this memorandum are the reports prepared by our subject-matter experts. They have been divided into priority and non-priority recommendations. Priority recommendations are listed in the body of this memorandum, and CRCL requests that ICE formally concur or non-concur with these recommendations and provide an implementation plan for all accepted recommendations. Non-priority and best practice recommendations are contained in a separate attachment to this memorandum. Although CRCL is not requesting formal responses to these, we encourage ICE to consider and implement these recommendations to the fullest extent possible.

With this memorandum, and consistent with our standard practice, we request that you indicate to us whether ICE concurs with the priority recommendations made below, and ask that you provide an action plan within 60 days.

Medical Care

CRCL's medical expert made the following priority recommendations regarding medical care at WTDF:

1. Insufficient medical staffing contributes to delays in access to care and results in poor and incomplete documentation in some cases. Insufficient staffing leaves the facility unable to support the basic needs of the population in multiple staffing categories including physicians, dentists, and nurses. The Medical Director, a physician, is off-site, and never comes to the facility. He also simultaneously works at the local hospital and emergency room without back-up at WTDF if he is unavailable. The nurse practitioner, the only licensed medical clinician, is only on-site three consecutive days a week, leaving four consecutive days every week without an on-site clinician and only three sick-call days per week; two days less than required by the NDS. The dentist is at the facility only once a month and sees fewer than 10 ICE detainees monthly. The Health Services Administrator (HSA), who is a nurse, must back-fill line nurse shifts, pulling her away from her administrative duties, such as quality assurance. Due to the lack of available licensed clinicians and dentists, the nurses are overly reliant on nursing protocols for most of the episodic care, and there are delays in timely access to proper medical care. To address these medical care deficiencies, recommendations are (2000 NDS, Medical Care (III.A, C, F); 2014 NCCHC (J-C-07))
 - a. Staffing must be increased to support the needs of the population. The Medical Director is the clinical medical authority and, typically, is a physician. As such, they should have some on-site presence in order to properly supervise the mid-level clinical staff and to be available to evaluate more complex cases than can be managed by a mid-level provider.
 - b. WTDF houses more than 200 ICE detainees and, therefore, provider sick-call must be available 5 days a week.
 - c. There is need for additional nursing and, therefore, additional nursing resources should be identified and procured.

- d. Until medical professional staffing can be increased to meet the detainee need, ICE should only place healthy (not seriously ill and chronically ill detainees) detainees at the WTDF.
 - e. Until staffing is appropriate and complete, seriously ill and chronically ill detainees should be moved, preferably to the El Paso Service Processing Center and no seriously ill or chronic care detainees should be placed at WTDF.
2. WTDF's electronic health record (EHR) is outdated and difficult to use. Most current EHR systems are based on searchable database programs with functions. The WTDF EHR is solely a collection of PDF documents, which cannot efficiently reconstruct a clinical timeline and can put ill detainees at risk, especially those seriously or emergently ill detainees. In addition, there are very few narrative notes: most are scanned check lists which were often found to be inaccurate. A proper EHR package should be purchased for WTDF. In the meantime, providers should be careful to complete medical documentation fully and accurately. (2014 NCCHC (J-H-01))
 3. The medical clinic space is inadequate for the delivery of medical care. There is only one fully functioning exam room. A second room is improperly maintained and equipped, and appears to be rarely used. The furniture surfaces, exam tables, counters and floors are dirty and deteriorating, making it impossible to provide appropriate care or to maintain appropriate levels of sanitation. The main medical clinic requires a complete renovation with new cabinets, flooring and furniture so that proper sanitization and hygiene can be maintained and the care delivered is appropriate. (2000 NDS, Medical Care (III.B); 2014 NCCHC (J-D-03))
 4. The cleanliness and maintenance of the medical clinic is unacceptable. It is currently being cleaned by inmates and/or detainees which may have affected the current deteriorated and unsanitary condition. Routine cleaning of the medical clinic should be performed by a professional cleaning contractor; not by inmates or detainees. (2000 NDS, Medical Care (III.B); 2014 NCCHC (J-D-03))
 5. A great deal of clinical care is provided in the intake area and housing units, which is not appropriate for the provision of medical care. Neither of those areas have proper space for history-taking or physical examination. Sensitive screening questions are asked in intake where there is no privacy. The intake area has no medical room, and medical interviews are conducted out in the open. When sick-call is held in the housing units, medical histories, and rudimentary exams take place at the dining tables, which is a potential HIPAA violation. If a private space cannot be provided in intake and in the housing units, neither medical screening nor medical care should be delivered there. (2000 NDS (III.A, B); 2014 NCCHC (J-A-09))
 6. Detainee access to medical care is constrained by the inadequate number of available support staff to transport detainees to and from the medical clinic. The facility must provide sufficient staffing to support the medical program and provide detainees with timely access to care. (2014 NCCHC (J-E-10))

Mental Health Care

CRCL's mental health expert made the following priority recommendations regarding mental health care at WTDF:

1. (b)(5)

2.

3. Until leadership under-staffing problems are appropriately addressed at WTDF, seriously and chronically mentally ill detainees are unable to receive appropriate care and therefore should be moved, preferably to the El Paso Service Processing Center. (2000 NDS, Medical Care (III.A, B, C and F); NCCHC Standards for Mental Health Services (MH-A-01); NCCHC Standards for Health Services in Jails (J-C-07, J-D-03))
4. The space used to conduct initial interviews of arriving detainees allows for little to no privacy. Detainees are asked personal details about mental health needs, traumatic experiences, and sexual orientation, among other sensitive questions, while standing or sitting at a desk surrounded by other detainees and facility staff. The effectiveness of the intake process in gathering vital information for use in housing assignments and treatment decisions is negatively impacted by the lack of privacy, which may result in serious mental health needs of incoming detainees being missed at intake. In fact, four of twenty-three detainees who reported no mental health concerns during the intake assessment exhibited serious mental health concerns including psychosis soon after being placed into general population housing and required intervention. WTDF should modify the intake space or process to allow for privacy during the initial officer screening of the detainee. Mental health evaluation and treatment should be conducted in private without risk of being overheard by other detainees and staff who have no valid need to know the information. (2000 NDS, Medical Care (I); NCCHC Standards for Mental Health Services (MH-A-09, MH-H-02))

5. (b)(5)

(b)(5)

Conditions of Detention

CRCL's conditions of detention expert made the following priority recommendations related to general conditions at WTDF:

1. Detainees at WTDF gave positive comments about the WTDF staff but had nothing positive to say about the ICE staff. Detainees either reported that they had never met or spoken with their ICE DO or that DOs interactions with detainees are unprofessional, rude, and unhelpful. To improve communications between ICE and the detainees at WTDF, the ICE Assistant Field Office Director (AFOD) and the Warden should assess the manner in which the ICE officers interact and conduct business with the detainees at tables in the housing units and consider modifying the approach as to how, when and where the ICE officers meet with detainees. Also, ICE Enforcement and Removal Operations (ERO) should ensure that the ICE officers assigned to the WTDF are provided appropriate training and oversight regarding expectations for their interactions with detainees. (2000 NDS, Staff-Detainee Communications (III.A))

2. (b)(5)

Environmental Health and Safety

CRCL's environmental health and safety expert made the following priority recommendations:

1. The overcrowded conditions at WTDF place detainees at increased risk of illness. The number of detainees housed in each unit should be immediately assessed based on industry standards for square feet per occupant and ratios of toilets, washbasins, and showers per occupant. The detainee housing units' occupancy rates should be adjusted to comply with the NDS Environmental Health and Safety standard, requiring that, "Environmental health conditions will be maintained at a level that meets recognized standards of hygiene" and specifies, "The standards include those from the American Correctional Association" (ACA) also apply and, therefore, ACA Standards Multiple Occupancy Rooms/Cells 4-ALDF-1A-10, Cell/Room Furnishings 4-ALDF-1A-11, Dayrooms 4-ALDF-1A-12, and Plumbing Fixtures 4-ALDF-4B-08 and 4-ALDF-4B-09 are applicable. (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1))

2. All bunks currently positioned in dayroom areas should be immediately removed. It is not hygienic to place beds only 16” from the dining tables and benches or 24” from the end of a dining table. Furthermore, all bunks should meet the requirement that sleeping surfaces be a minimum of 12” off the floor, unless authorized as medically necessary by a licensed medical provider. (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1), specifically ACA 4-ALDF-1A-11 Cell/Room Furnishings)
3. Adequate access to toilets, washbasins, and showers is essential to maintain health and hygiene. However, WTDF detainees can experience limited shower access due to the high ratio of detainees-to-showers, especially when a housing unit is at full capacity. Therefore, until such time that the housing unit capacities are adjusted to the accepted industry standards for square feet per occupant and ratios of toilets, washbasins, and showers per occupant, WTDF should assign a member of staff to actively monitor detainees’ ability to adequately access and use the bathroom facilities and provide a written report of their observations regarding wait times, long lines, etc. to the Warden and ICE AFOD. If any problems are noted, the facility should resolve them. The bathroom facilities should provide detainees with reasonable access to toileting, hand-washing and showering, in compliance with the NDS Environmental Health and Safety standard requiring that, “Environmental health conditions will be maintained at a level that meets recognized standards of hygiene” and stating, “The standards include those from the American Correctional Association,” specifically ACA Plumbing Fixtures standards 4-ALDF-4B-08 and 4-ALDF-4B-09. (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III R.1))
4. (b)(5)
5. The WTDF administration should take all possible measures to limit the hazards currently posed by the collapsing, sagging roofs in housing units 1-B and 3-B, which allow rainwater to leak into the housing units and provide an entrance for mosquitoes and other insects. Due to the serious nature of the problem, the roofs of all four modular buildings should be inspected and interim repairs immediately made, before the scheduled November 2018 roof replacements. Further, the perimeter walls of the buildings should be inspected and any holes or gaps should be sealed off to prevent vermin from entering the housing units, as was occurring during the onsite. (2000 NDS,

Environmental Health and Safety, Pests and Vermin (III. M); and General Environmental Health Guidelines (III.R.1))

6. To safeguard detainee health and hygiene, WTDF should ensure that the intake unit, including cell #289, which is currently used as the shower and laundry changing-room for newly arriving detainees, is regularly inspected, and appropriately cleaned and disinfected. Additionally, the rusty toilet paper holder should be refurbished or replaced. All areas that are accessed by detainees should be maintained in a manner that complies with the NDS Environmental Health and Safety standard requiring that, “Environmental health conditions will be maintained at a level that meets recognized standards of hygiene” and states, “The standards include those from the American Correctional Association” and, therefore, includes ACA Standard 4-ALDF-1A-04, which requires, “The facility is clean and in good repair.” (2000 NDS, Environmental Health and Safety General Environmental Health Guidelines (III.R.1))
7. To ensure detainee safety and security, WTDF should regularly inspect all access panels, plate covers, and the metal panels covering the pipes and plumbing in the detainee bathrooms and then ensure repairs are made at the time when problems are found. Tamper resistant security screws should be used, and any screws that are missing should be noted and replaced to facilitate the elimination of safety hazards, as required by the NDS Security Inspections standard. (2000 NDS, Security Inspections (III.A))
8. The detainee housing unit carpets are heavily soiled and constitute a health hazard. The current quarterly professional steam-cleaning plan was and remains grossly inadequate. The current condition of the carpet requires that it be immediately replaced with appropriate durable flooring. If not immediately possible, the carpets should be professionally steam cleaned on a monthly basis until the proper flooring is installed in every housing unit. (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1))
9. The microorganisms that cause MRSA, Tinea Pedi’s (athlete’s foot), and nail fungus thrive in warm, moist environments and are readily transmitted in communal showers. The bathroom floor in housing unit 4-B is bare plywood that cannot be properly cleaned and disinfected. It also poses a splinter hazard. Therefore, detainees should be removed from housing unit 4-B until proper flooring is installed. Further, WTDF should ensure that all bathroom surfaces, including the floors, walls, ceilings, and drains are routinely inspected, cleaned, and maintained in sanitary condition. (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1))
10. Rodents and their parasites are capable of spreading a variety of diseases including Salmonellosis and Lyme disease. Cockroaches also spread disease-causing microorganisms and can trigger asthma. The NDS Food Service standard requires that, “The premises shall be maintained in a condition that precludes the harboring or feeding of insects and rodents.” To comply with this standard, detainees should no longer be allowed to stockpile food inside the housing units. Additionally, all kitchen meal trays and disposable food containers should be removed from the housing units after every meal, as they contain food and residues that attract vermin. Further, the facility rule stating, “To avoid pest control issues, open food containers/packages shall not be allowed

to be kept in the housing units and are subject to confiscation during shakedowns” should be enforced. (2000 NDS, Food Service, Environmental Sanitation and Safety (III.H.5.k))

11. Accumulations of food and personal property create harborage and breeding sites for insects and rodents, including cockroaches and mice. WTDF should immediately issue detainees appropriate, sealable property storage containers, such as plastic boxes with tight fitting lids and discontinue allowing detainees to store their personal food and property on their beds. Issuing boxes will also facilitate compliance with the NDS Funds and Personal Property standard stating, “Detainees may keep a reasonable amount of personal property in their possession, provided the property poses no threat to facility security.” (2000 NDS, Funds and Personal Property, Limitations on Possession of Detainee Personal Property (III.B.2))

12. (b)(5)

13. WTDF should either discontinue the current practice of using detainees to perform physical labor, including moving furniture, or implement a formal voluntary work program that complies with the NDS Voluntary Work Program standard, which includes compensation for work, whether monetary, extra food or meals, or additional privileges. (2000 NDS, Voluntary Work Program, Compensation (III.K))
14. The medical unit should be renovated and then maintained in working order and sanitary condition before it is used to treat detainees, in compliance with the NDS Environmental Health and Safety standard stating, “The key to the prevention and control of nosocomial infections due to contaminated environmental surfaces is environmental cleanliness. Responsibility for ensuring the cleanliness of the medical facility lies with the Health Service Administrator (HSA) or with an individual designated by the HSA or other health care provider utilized. The HSA or designee will make a daily visual inspection of the medical facility noting the condition of floors, walls, windows, horizontal surfaces, and equipment.” (2000 NDS, Environmental Health and Safety, Housekeeping (III.R.2))
15. Marshall’s trustees and ICE detainees should not be cleaning the medical unit. The Medical unit should be professionally and regularly cleaned and disinfected. WTDF and the contract medical provider should develop and implement a cleaning program in compliance with the NDS Environmental Health and Safety standard stating, “The medical facility HSA is responsible for implementing a program that will assist in maintaining a high level of environmental sanitation.” The cleaning program should be

developed to comply with the NDS Environmental Health and Safety standard requiring that, “Methods of cleaning; cleaning equipment; cleansers; disinfectants and detergents to be used; plus, the frequency of cleaning and inspections will be established using an acceptable health agency standard as the model.” (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1) and Housekeeping (III.R.2))

16. The facility should inspect all medical exam tables to ensure that the vinyl covers are in good condition and intact, without tears, cracks, or exposed inner foam, all of which hinders proper cleaning and disinfection and could transmit disease causing microorganisms from person to person. When a cover is found to be compromised, either the cover or the exam table should be replaced to ensure compliance with the NDS Environmental Health and Safety standard stating, “The key to the prevention and control of nosocomial infections due to contaminated environmental surfaces is environmental cleanliness” and “Proper housekeeping procedures include the cleaning of surfaces touched by detainees or staff with fresh solutions of appropriate disinfectant products, applied with clean cloths, mops, or wipes.” (2000 NDS, Environmental Health and Safety, Housekeeping (III.R.2))
17. WTDF should evaluate and change the transport and handling procedures of the Igloo-style plastic beverage coolers that are currently extremely dirty and unsanitary, in order to improve compliance with the NDS Food Service standard requiring that, “Food and ice will be protected from dust, insects and rodents, unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, overhead leakage, and other sources of contamination. Protection will be continuous, whether the food is in storage, in preparation/on display, or in transit” and, “The sanitary standards applicable in the food service department apply during the entire satellite feeding process, from preparation to actual delivery.” (2000 NDS, Food Service, Food Protection-General Requirements (III. Food Preparation, 5); and Satellite Feeding (III.G.1))
18. Dirty water containers in the housing units create a health hazard. WTDF should immediately implement policy and procedures requiring the water containers be regularly and sufficiently cleaned and sanitized in compliance with the NDS Food Service standard stating, “To prevent cross-contamination, kitchenware and food-contact surfaces should be washed, rinsed, and sanitized after each use and after any interruption of operations during which contamination could occur” and washing, rinsing, and sanitizing of the beverage coolers complies with the guidelines specified in either the manual cleaning and sanitizing or mechanical cleaning and sanitizing sections of the NDS Food Service standard. (2000 NDS, Food Service, Environmental Sanitation and Safety (III. H.5.h); Manual Cleaning and Sanitizing (III.H.7.f); and Mechanical Cleaning and Sanitizing (III.H.7.g))
19. The WTDF kitchen currently does not comply with the stringent requirements of kosher dietary laws and therefore requires change. It is not only a misrepresentation; but it is unethical to present foods that are currently prepared in the kitchen as “kosher.” WTDF should immediately suspend the preparation of the kosher diet and implement a common fare diet that complies with the NDS Food Service standard stating, “Common fare is intended to accommodate detainees whose religious dietary needs cannot be met on the main line. The common-fare menu is based on a 14-day cycle, with special menus for the

- 10 Federal holidays. The menus must be certified as exceeding minimum daily nutritional requirements” and “To the extent practicable, a hot entree shall be available to accommodate detainees' religious dietary needs, e.g., kosher and/or halal products. Hot entrees shall be offered three times a week and shall be purchased precooked, heated in their sealed containers, and served hot. Other cooking is not permitted in the common-fare program.” Implementation of a common fare program will also facilitate compliance with the NDS Religious Practices standard requiring that, “The food service department will implement procedures for accommodating, within reason, detainees’ religious dietary requirements.” (2000 NDS, Food Service and Religious Practices, Religious/Special Diets (III. Food Preparation, E); and Religious Practices, Dietary Requirements (III.M))
20. In order to maintain cleanliness, the WTDF kitchen floors must be maintained in good repair. WTDF should resurface or renovate the current kitchen floor as soon as feasible to comply with the NDS Environmental Health and Safety standard requiring that, “Environmental health conditions will be maintained at a level that meets recognized standards of hygiene” and further specifies, “The standards include those from the American Correctional Association,” ACA Housekeeping standard 4-ALDF-1A-04 which stipulates, “The facility is clean and in good repair.” (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1); and Food Service, Environmental Sanitation and Safety (III.H.5))
 21. WTDF should ensure that the entire kitchen, including the dry goods storage room, is maintained in a clean and sanitary manner at all times, to comply with the NDS Food Service standard stating, “Good sanitation practices are essential to an effective pest control program. The FSA is responsible for pest control in the food service department,” and ensuring, “Vigilant housekeeping, to keep the room clean and free from rodents and vermin.” (2000 NDS, Food Service, Pest Control (III.H.10); Housekeeping: Storeroom/Refrigerator (III.J.7.a.3))
 22. Flies can contaminate surfaces with microorganisms that cause food borne illnesses and diarrhea. WTDF should ensure that air curtain units or similar devices are operable and install new units where they are lacking in the kitchen and detainee housing units, in compliance with the NDS Food Service standard requiring that, “Air curtains or comparable devices shall be used on outside doors where food is prepared, stored, or served to protect against insects and other rodents.” (2000 NDS, Food Service, Environmental Sanitation and Safety (III.H.5.k))
 23. WTDF should perform routine inspections in the kitchen to identify and take immediate corrective action when conditions are found that provide pest entry points or harborage, including keeping trashcans covered, not propping the exterior doors open, and repairing holes that allow pests to enter. (2000 NDS, Environmental Health and Safety, Pests and Vermin (III.M); and Food Service, Housekeeping: Storeroom/Refrigerator (III.J.7.a.2))
 24. The taste, appearance, and presentation of meals can affect the health and general morale of a facility. Therefore, WTDF should ensure that the food service contractor operates a quality food service program that includes food preparation and serving that is in compliance with the NDS Food Service standard requiring that, “Food is appropriately presented.” (2000 NDS, Food Service, Display and Service (III.C.2.a.2))

25. The 2000 NDS Food Service standard recognizes that “The food service program significantly influences morale and attitudes of detainees and staff, and creates a climate for good public relations between the facility and the community.” Therefore, WTDF should hold the food service contractor accountable for full compliance with the NDS Food Service standard, including those requiring that, “The food service program shall be under the direct supervision of a professional food service administrator. The FSA is responsible for planning, controlling, directing, and evaluating food service; training and developing the cook foremen; managing budget resources; establishing standards of sanitation, safety, and security; developing nutritionally adequate menus and evaluating detainee acceptance; developing specifications for the procurement of food, equipment, and supplies; and establishing a training program which ensures operational efficiency and a quality food service program.” (2000 NDS, Food Service, Food Service Administrator (FSA), or IGSA Equivalent (III.A.1))
26. The current situation at WTDF, where detainees are sitting on a dirty floor or a bed while consuming meals, is unsanitary. WTDF should provide all detainees with appropriate seating at a dining table for meal consumption, in accordance with the NDS Food Service standard requiring that, “Meals will be served in as unregimented a manner as possible. To this end, the Food Service Administrator’s (FSA) table arrangement must facilitate free seating, ease of movement, and ready supervision. The dining room will have the capacity to accommodate all detainees in no more than three sittings.” (2000 NDS, Food Service, Food Service Dining Room/Satellite Feeding Operations (III.C.1))
27. WTDF should continue to monitor the housing unit hot water temperatures, and take immediate corrective action in the event that the washbasin or shower water temperature exceeds 120 degrees Fahrenheit in order to prevent scalds and burns, in compliance with the NDS Environmental Health and Safety standard requiring that, “Environmental health conditions will be maintained at a level that meets recognized standards of hygiene.” It also states, “The standards include those from the American Correctional Association,” specifically, ACA 4-ALDF-4B-09 requiring that, “Water for showers is thermostatically controlled to temperatures ranging from 100 degrees to 120 degrees Fahrenheit to ensure the safety of inmates and to promote hygienic practices.” (2000 NDS, Environmental Health and Safety, General Environmental Health Guidelines (III.R.1))
28. Clean laundry is important for the maintenance of personal hygiene and good health. WTDF should monitor the laundry program to ensure that adequate supplies of clean laundry are issued and that soiled laundry is exchanged in accordance with the NDS Exchange of Clothing, Bedding, and Towels standard regarding exchange requirements, including that, “Detainees shall be provided with clean clothing, linen, and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.” (2000 NDS, Issuance and Exchange of Clothing, Bedding, and Towels, Exchange Requirements (III.E))
29. WTDF should cease the insanitary detainee practice of washing their clothing in the lavatories and showers. Ending this practice will comply with the NDS Issuance and Exchange of Clothing, Bedding, and Towels standard stating, “Detainees are not permitted to wash clothing, bedding, linens, tennis shoes or other items in the living unit,

unless proper washing and drying equipment are available and the policy and procedures for their use are in place.” (2000 NDS, Issuance and Exchange of Clothing, Bedding, and Towels, Exchange Requirements (III.E))

30. WTDF should continue to inform and educate detainees on the laundry basket and laundry bag procedures, to ensure compliance with the NDS Issuance and Exchange of Clothing, Bedding, and Towels standard requiring that, “facilities shall provide INS detainees with regular exchanges of clothing, linens, and towels for as long as they remain in detention” and “Each detention facility shall have a policy and procedure for the regular issuance and exchange of clothing, bedding, linens and towels.” (2000 NDS, Issuance and Exchange of Clothing, Bedding, and Towels, Policy (I))
31. All bunkbed units should either be retrofitted with ladders or replaced with bunkbed units that have ladders. This should start with the female housing units and moving to the male housing units as soon as possible to eliminate the safety hazards detainees currently face, as required by the NDS Security Inspections standard. (2000 NDS, Security Inspections (III.A))
32. WTDF should inspect all bed mattresses and replace those that have cracked or torn covers, which place detainees at risk of infection because they cannot be appropriately cleaned and disinfected, and to comply with the NDS Issuance and Exchange of Clothing, Bedding, and Towels standard requiring that, “All new detainees shall be issued clean bedding.” (2000 NDS, Issuance and Exchange of Clothing, Bedding, and Towels, Issuance of Bedding, Linen and Towels (III.C))

It is CRCL’s statutory role to advise department leadership and personnel about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions. We look forward to working with ICE to determine the best way to resolve these complaints. You may send your response and action plan by email. If you have any questions, please contact Senior Policy Advisor, (b)(6) by telephone at (b)(6)

(b)(6) or by email at (b)(6)

Copies to:

Corey A. Price
Acting Deputy Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C)

Tae Johnson
Assistant Director, Custody Management
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C)

Claire Trickler-McNulty
Deputy Assistant Director, Custody Management

Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C)

Dr. Stewart D. Smith
Assistant Director, ICE Health Service Corps
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C)

Dr. Ada Rivera
Medical Director, ICE Health Service Corps
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C)

Enclosures